




City of Santa Barbara
Mayor and Council Office

Memorandum

DATE: October 26, 2009

TO: James L. Armstrong, City Administrator

FROM: Dale Francisco, Mayor Pro Tempore 
Iya Falcone, Councilmember

SUBJECT: Direction to the Ordinance Committee on Medical Marijuana Dispensaries

Pursuant to Council Resolution No. 05-073 regarding the Conduct of City Council Meetings, we request that an item be placed on the Santa Barbara City Council Agenda regarding Council's overall direction to the Ordinance Committee on revisions to Chapter 28.80 ("Medical Cannabis Dispensaries") of the Zoning Ordinance.

- Summary of Information to be Presented to the City Council

Since the City Council originally gave direction to the Ordinance Committee early this summer to revise the section of the Zoning Ordinance dealing with medical marijuana dispensaries (MMDs), both community sentiment and the legal landscape regarding MMDs have shifted dramatically. Parents and school district leaders are concerned that at least some MMDs are functioning as conduits for introducing drugs into schools. In several recent court cases, other jurisdictions have shown that severe limitations on MMDs, including an outright ban, are consistent with state law. Santa Barbara is the only jurisdiction in Santa Barbara County, and one of the few in Southern California, that allows MMDs to be established. It is time for the City Council as a whole to evaluate the wisdom of this policy.

As a possible alternative to the storefront dispensary model, we believe the Council should consider a "compassionate care collective" model. In such a model, a group of defined size, with members consisting of registered patients and registered caregivers, cultivates marijuana in limited quantities exclusively for its own use. This we believe would be consistent with state law, would provide patients who have a genuine medical need the means to obtain medical marijuana in a safe, legal manner, and would make it more difficult to divert marijuana to other than medical use, thus reducing the enforcement burden on both Community Development and the Police Department. The City of Los Angeles is currently considering an ordinance that would implement such a model. (See attachment 1.)

- Statement of Specific Action the Council will be asked to take

We ask that City Council reconsider its policy of allowing MMDs in Santa Barbara, that it consider alternative models for meeting the needs of patients, and that it provide specific

policy direction to the Ordinance Committee on re-drafting chapter 28.80 of the Zoning Ordinance.

- Statement of the Reasons Why it is Appropriate and Within the Jurisdiction of the Council to Consider this Subject Matter and to Take the Requested Action

The Zoning Ordinance is within the purview of City Council, and only the full Council can provide policy direction to the Ordinance Committee on this topic of vital community concern.

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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 09 - 0360

OCT 20 2009

REPORT RE:

**FOURTH REVISED DRAFT ORDINANCE ESTABLISHING REGULATIONS
REGARDING MEDICAL MARIJUANA COLLECTIVES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Council File No. 08-0923

Honorable Members:

This office has prepared and now transmits for your consideration the attached revised draft ordinance, approved as to form and legality. This draft ordinance would add Article 5.1 to Chapter IV of the Los Angeles Municipal Code (LAMC) regulating the collective cultivation of medical marijuana, pursuant to state law, in the City of Los Angeles. Pursuant to instructions from your Planning and Land Use Management (PLUM) Committee, it includes several changes from the last draft ordinance transmitted on September 22, 2009. The changes are summarized below.

When this matter is considered, we will be prepared to discuss the impacts of this ordinance, the case of *Los Angeles Collective Association, et al. v. City of Los Angeles*, LASC BC 422215 and any other relevant litigation. If necessary, we will ask that the meeting be recessed into closed session for this purpose, pursuant to Government Code section 54956.9(a) and (b)(1).

Background

On April 14, 2008, pursuant to a request from the City Council, the City Attorney's Office transmitted a draft ordinance for the regulation of medical marijuana cultivation. This Office transmitted a revised draft ordinance to the Council on January

26, 2009, and explained its provisions in a verbal presentation to the Planning and Land Use Management ("PLUM") Committee on January 27, 2009. Additional technical improvements were made and a second revised draft ordinance was transmitted to the Council on February 6, 2009. A third revised draft ordinance was filed on September 22, 2009 and presented to the PLUM Committee on that date and on September 29, 2009. The Committee directed this office to amend the draft ordinance in accordance with its instructions. The attached Fourth Revised Draft Ordinance reflects these changes and additional modifications, which we believe improve the draft, for your consideration.

CEQA Finding

If you wish to adopt the ordinance, you must first comply with the California Environmental Quality Act (CEQA). Regarding a finding pursuant to CEQA, this Office believes that adoption of this ordinance is exempt from CEQA under State CEQA Guidelines sections 15060(c)(2) and (3) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, since it merely establishes regulations for medical marijuana collectives and will result in a substantial decrease in the number of locations that are currently in existence. In addition, the City Council could determine that adoption of the ordinance is exempt from CEQA under City CEQA Guidelines Article II, Section 1 (General Exemption) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. If the City Council concurs, it may comply with CEQA by making one or both of these findings prior to or concurrent with its action on the ordinance. We recommend that you also direct staff to file a "Notice of Exemption" as permitted by CEQA. This will have the effect of shortening the period of time within which a CEQA-based legal challenge can be brought against the City.

Summary of Changes

The material changes are as follows:

- The introductory recitals have been modified to include the addition of one related to possible contamination of marijuana, and a reference to the continued illegality of the sale of marijuana under both state and federal law;
- The definition of "medical marijuana collective" in Section 45.19.6.1 now includes a numerical minimum of qualified members. We recommend, and inserted, "four or more," rather than "three or more," requested by your PLUM Committee, because the latter could encompass two parents or guardians and a child, triggering the ordinance's regulatory provisions. However, cultivation of such limited scope is not contemplated by the draft ordinance. An additional phrase, "member engaged in the management," has been added and defined in Section 45.19.6.1;

- Pursuant to PLUM Committee instruction to identify an alternative registration body other than the City Clerk, the registration body has been changed to the Office of Finance in Section 45.19.6.2. Insofar as the PLUM Committee did not specify the desired registration body, we selected the Office of Finance with the understanding that the Council, or your Public Safety Committee, may instruct that a different City department be substituted;
- Pursuant to PLUM Committee instruction, the language stating that the failure of any member of the collective to sign the registration form shall result in refusal to accept the registration form, in Section 45.19.6.2, has been removed;
- A collective must provide, within five (5) days after a request for preinspection, written notice of specified information to the appropriate City Council member and the Certified Neighborhood Council representing the area of the collective (Sec. 45.19.6.2 C);
- Pursuant to PLUM Committee instruction, Section 45.19.6.2, subsection B, has been amended to include a research fee, in addition to a preinspection fee. Also, additional registration provisions have been added, including requirements that the collective provide plans and a radius map of the location to show compliance with Section 45.19.6.3 and that LADBS submit its written preinspection report to the collective and the Office of Finance within 45 days;
- Pursuant to PLUM Committee instructions, the measurement of distance from sensitive uses in Section 45.19.6.3 has been changed, in pertinent part, to "...a straight line from the property line...to the closest property line of the lot on which the collective is located without regard to intervening structures";
- Pursuant to PLUM Committee instruction, a provision that no collective shall abut or be located across the street or alley from or have a common corner with a property improved with an exclusively residential building has been added (Sec. 45.19.6.3 A);
- A provision that a person who has been convicted within the previous 10 years of a felony or a crime of moral turpitude, or who is currently on parole or probation for the sale or distribution of a controlled substance, shall not be engaged directly or indirectly in the management of the collective and shall not manage or handle the receipts or expenses of the collective has been added (Section 45.19.6.3.14);
- A provision regarding the operative date of the draft ordinance has been added;
- A provision requiring maintenance of documentation of each member's status as a qualified patient, person with identification card, or primary caregiver has been

added to ensure qualification to participate in collective cultivation (Sec. 45.19.6.4 (5)); and

- Pursuant to PLUM Committee instruction, the period of compliance for existing medical marijuana dispensaries which complied with the operation and registration requirements of Interim Control Ordinance No. 179,027 was changed from 90 days to 180 days (Sec. 45.19.6.6).

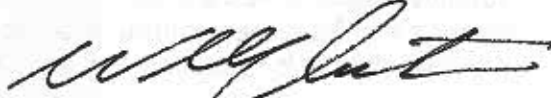
Additionally, non-substantive changes were made to improve clarity, such as reorganization of the Registration provisions under Section 45.19.6.2 and specification of which department is authorized to enforce particular regulations.

Copies of the revised draft ordinance have been provided, pursuant to Council Rule 38, to the Los Angeles Police Department, Office of Finance, and the Department of Building and Safety, with a request that all comments, if any, be presented directly to your Honorable Body at the time this matter is considered.

If you have any questions regarding this matter, please contact Assistant City Attorney Sharon Siedorf Cardenas at (213) 978-8235 or Deputy City Attorney Heather Aubry at (213) 978-8380. These attorneys or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

CARMEN A. TRUTANICH, City Attorney

By 

WILLIAM W. CARTER
Chief Deputy City Attorney

WWC:SSC:HA:aa
Transmittal

ORDINANCE NO. _____

An ordinance adding Article 5.1 to Chapter IV to the Los Angeles Municipal Code and amending Section 91.107.3.2 of the Los Angeles Municipal Code to implement the Compassionate Use Act and the Medical Marijuana Program Act consistent with the provisions of the Acts but without violating state or federal law.

WHEREAS, although the possession and sale of marijuana remain illegal under both state and federal law, California voters approved the Compassionate Use Act ("CUA") in 1996 to exempt seriously ill patients and their primary caregivers from criminal liability for possession and cultivation of marijuana for medical purposes; and

WHEREAS, the Medical Marijuana Program Act of 2003 ("MMPA") provides for the association of primary caregivers and qualified patients to cultivate marijuana for specified medical purposes and also authorizes local governing bodies to adopt and enforce laws consistent with its provisions; and

WHEREAS, the City of Los Angeles enacted an Interim Control Ordinance in 2007 for the temporary regulation of medical marijuana facilities through a registration program, which resulted in the unintended proliferation of storefront medical marijuana dispensaries to a number currently estimated to exceed 500 such locations, presenting a substantial risk of unlawful cultivation, sale, and the illegal diversion of marijuana for non-medical uses; and

WHEREAS, there have been recent reports from the Los Angeles Police Department and the media of an increase in and escalation of violent crime at the location of medical marijuana dispensaries in the City of Los Angeles, and the California Police Chiefs Association has compiled an extensive report detailing the negative secondary effects associated with medical marijuana dispensaries; and

WHEREAS, medical marijuana that has not been collectively or personally grown constitutes a unique health hazard to the public because, unlike all other ingestibles, marijuana is not regulated, inspected, or analyzed for contamination by state or federal government and may, as with samples recently tested by a U.S. Food and Drug Administration laboratory, contain harmful chemicals that could further endanger the health of persons who are already seriously ill and have impaired or reduced immunities; and

WHEREAS, the City of Los Angeles has a compelling interest in ensuring that marijuana is not distributed in an illicit manner, in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which medical marijuana collectives operate, and in providing compassionate access to medical marijuana to its seriously ill residents.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 5.1 is added to Chapter IV of the Los Angeles Municipal Code to read:

ARTICLE 5.1.

MEDICAL MARIJUANA COLLECTIVE

SEC. 45.19.6. PURPOSES AND INTENT.

It is the purpose and intent of this article to regulate the collective cultivation of medical marijuana in order to ensure the health, safety and welfare of the residents of the City of Los Angeles. The regulations in this article, in compliance with the Compassionate Use Act and the Medical Marijuana Program Act, California Health and Safety Code Sections 11362.5, *et seq.*, ("State Law") do not interfere with a patient's right to use medical marijuana as authorized under State Law, nor do they criminalize the possession or cultivation of medical marijuana by specifically defined classifications of persons, as authorized under State Law. Under State Law, only qualified patients, persons with identification cards, and primary caregivers may cultivate medical marijuana collectively. Medical marijuana collectives shall comply with all provisions of the Los Angeles Municipal Code ("Code"), State Law, and all other applicable local and state laws. Nothing in this article purports to permit activities that are otherwise illegal under federal, state, or local law.

SEC. 45.19.6.1. DEFINITIONS.

A. The following phrases, when used in this article, shall be construed as defined in California Health and Safety Code Sections 11006.5, 11018, 11362.5 and 11362.7:

"Attending physician;"
"Concentrated Cannabis;"
"Identification card;"
"Marijuana;"
"Person with an identification card;"
"Primary caregiver;" and
"Qualified patient."

B. The following phrases, when used in this article, shall be construed as defined below. Words and phrases not defined here shall be construed as defined in Sections 11.01, 12.03, 45.19.5, 45.21, and 56.45 of this Code.

"Medical marijuana." Marijuana used for medical purposes in accordance with California Health and Safety Code Section 11362.5

"Medical marijuana collective ("collective")." An incorporated or unincorporated association, composed solely of four or more qualified patients, persons with identification cards, and designated primary caregivers of qualified patients and persons with identification cards (collectively referred to as "members") who associate at a particular location ("location" or "property") to collectively or cooperatively cultivate marijuana for medical purposes, in strict accordance with California Health and Safety Code Sections 11362.5, *et seq.*

"Member engaged in the management." A member with responsibility for the establishment, organization, registration, supervision, or oversight of the operation of a collective, including but not limited to members who perform the functions of president, vice president, director, operating officer, financial officer, secretary, treasurer, or manager of the collective.

SEC. 45.19.6.2. REGISTRATION.

A. Registration Required. No collective shall operate until after it has filed a registration form in accordance with the provisions of this article and the registration has been accepted as complete by the Office of Finance.

B. Preinspection Required. Prior to filing a registration form with the Office of Finance, a collective shall provide plans of the collective location including details of any proposed alterations and a radius map signed by an architect or civil engineer licensed in the State of California to show compliance with the standards set forth in Section 45.19.6.3 A of this article. A collective shall obtain a written preinspection report from the Department of Building and Safety after the Department verifies the accuracy of the plans and radius map submitted and performs all required research (planning/zoning records). A preinspection fee pursuant to Section 91.107.3.2 of this Code, plus a research fee for a minimum of two hours of time pursuant to Section 98.0415 (f) of this Code, shall be paid to the Department of Building and Safety at the time of a request for preinspection. The Department of Building and Safety shall submit its written preinspection report to the collective and to the Office of Finance within 45 days thereafter. If the preinspection report verifies noncompliance with the standards set forth in Section 45.19.6.3 A of this article, a subsequent preinspection may be requested by the collective, for which an additional preinspection fee shall be paid.

C. Notice of Preinspection. Within 5 days after a request for preinspection, the collective shall provide written notice to the City Council member and the Certified Neighborhood Council representing the area in which the collective is located of: the preinspection request, the property address of the collective, a telephone number at the property, the name, telephone number, and address of a person authorized to accept service of process for the collective, and the name(s), telephone number(s), and address(es) of each member engaged in the management of the collective.

D. Registration Form. Upon receipt of a Department of Building and Safety preinspection report verifying compliance with the standards set forth in Section 45.19.6.3 A of this article, the collective shall file a registration form with the Office of Finance. The registration form shall require the following accurate and truthful information: the names of all persons who are members of the collective; the address and physical description (i.e., one-story commercial building, etc.) of the property at and upon which the collective is located; a telephone number at the property; the name, telephone number, and address of a person authorized to accept service of process for the collective; the name(s), telephone number(s), and address(es) of each member engaged in the management of the collective; and any other information reasonably required to show that the collective complies with this article. The collective shall file an amended registration form quarterly with any changes in the information provided in the initial registration form or any change in status of compliance with the regulations set forth in Section 45.19.6.3. A change of property location cannot be accomplished by an amended registration form but shall instead require a new registration. Each and every member who is engaged in the management of the collective shall print his or her name and sign the initial registration form and any subsequent amended registration form, under penalty of perjury certifying that all information contained in the registration form is true and correct.

E. Additional Registration Documents. As attachments to the original and any subsequently amended registration form, the collective shall provide to the Office of Finance (1) written proof that the property owner, and landlord if applicable, was given notice that the collective intends to file the registration form and that the owner, and landlord if applicable, has received a copy of the information contained in the registration form, (2) for each member engaged in the management of the collective, a fully legible copy of one government-issued form of identification, such as a social security card, a state driver's license or identification card, or a passport, and (3) written proof that notice of preinspection was given to the applicable City Council member and Certified Neighborhood Council.

F. Completed Registration. The Office of Finance shall mail proof of a completed registration and any subsequent amended registration to the person authorized to accept service of process on behalf of the collective.

G. Registration Non-Transferable. A registration accepted as complete under this article shall become null and void upon the cessation of the collective, upon the relocation of the collective to a different property, or upon a violation by the collective or any of its members of a provision of this article.

SEC. 45.19.6.3. REGULATIONS.

The property at or upon which a collective cultivates and provides medical marijuana to its members must meet the following requirements:

A. Preinspection Requirements.

1. The property shall comply with the provisions of Chapters I and IX of the Code as they pertain to the agricultural use. Permits for any alterations to the building shall be obtained from the Department of Building and Safety;

2. No collective shall abut or be located across the street or alley from or have a common corner with a property improved with an exclusively residential building;

3. No collective shall be located within a 1,000-foot radius of a school, public park, public library, religious institution, licensed child care facility, youth center, hospital, medical facility, substance abuse rehabilitation center, or other medical marijuana collective(s). The distance specified in this subdivision shall be the horizontal distance measured in a straight line from the property line of the school, public park, public library, religious institution, licensed child care facility, youth center, hospital, medical facility, substance abuse rehabilitation center, or other medical marijuana collective(s), to the closest property line of the lot on which the collective is located without regard to intervening structures;

4. Exterior building lighting and parking area lighting for the property must be in compliance with Sections 93.0104, 93.0107 and 93.0117 of the Code. In addition, the property shall be equipped with lighting fixtures of sufficient intensity to illuminate all interior areas of the lot with an illumination of not less than 1.5 foot-candles evenly distributed as measured at floor level;

5. Any exterior signs and any interior signs visible from the exterior shall be unlighted; and

6. Windows and roof hatches of the property shall be secured with bars so as to prevent unauthorized entry, and be equipped with latches that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable building code provisions.

B. Conditions of Operation.

1. The property shall be monitored at all times by web-based closed-circuit television for security purposes. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime anywhere on or adjacent to the property. The recordings shall be maintained for a period of not less than ninety (90) days and shall be made available by the collective to the Police Department upon request. Consent is given by the collective under this article to the provision of said recordings to the Police Department without requirement for a search warrant, subpoena or court order;

2. The property shall have a centrally-monitored fire and burglar alarm system;

3. No cultivation of medical marijuana on the property shall be visible with the naked eye from any public or other private property, nor shall cultivated marijuana or dried marijuana be visible from the building exterior. No cultivation shall occur at the property unless the area devoted to the cultivation is secured from public access by means of a locked gate and any other security measures necessary to prevent unauthorized entry;

4. No manufacture of concentrated cannabis in violation of California Health and Safety Code section 11379.6 is allowed;

5. No collective shall be open to or provide medical marijuana to its members between the hours of 8:00 p.m. and 10:00 a.m. This prohibition shall not apply to a qualified patient whose permanent legal residence is the property;

6. No sale of marijuana or of edible products containing marijuana shall be allowed, nor shall the manufacturing of these products for sale be permitted;

7. No persons under the age of eighteen shall be allowed on the property, unless that minor is a qualified patient or person with an identification card and accompanied by his or her licensed attending physician, parent or documented legal guardian;

8. No medical marijuana collective shall possess more than 5 pounds of dried marijuana or more than 100 plants of any size on the property. No collective shall possess marijuana that was not cultivated by the collective either on the property or at its predecessor location fully registered in accordance with Section 45.19.6.2 of this article;

9. A sign shall be posted in a conspicuous location inside the structure on the property advising: "The diversion of marijuana for non-medical purposes is a violation of State law. The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery. Loitering at the location of a medical marijuana collective for an illegal purpose is prohibited by California Penal Code Section 647(h)";

10. No collective may provide medical marijuana to any persons other than its members who participate in the collective cultivation of marijuana at or upon the property of that collective. No medical marijuana provided to a primary caregiver may be supplied to any person(s) other than the primary caregiver's qualified patient(s) or person(s) with an identification card;

11. No collective shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on the property or in the parking area of the property;

12. No dried medical marijuana shall be stored in buildings that are not completely enclosed, or stored in an unlocked vault or safe, or other unsecured storage structure; nor shall any dried medical marijuana be stored in a safe or vault that is not bolted to the floor or structure of the facility;

13. Medical marijuana may not be inhaled, smoked, eaten, ingested, or otherwise consumed on the property, in the parking areas of the property, or in those areas restricted under the provisions of California Health and Safety Code Section 11362.79. This prohibition shall not apply to a qualified patient's use of marijuana for his or her own medical purposes if the qualified patient's permanent legal residence is the property; and

14. A person who has been convicted within the previous 10 years of a felony or a crime of moral turpitude, or who is currently on parole or probation for the sale or distribution of a controlled substance, shall not be engaged directly or indirectly in the management of the collective and, further, shall not manage or handle the receipts and expenses of the collective.

SEC. 45.19.6.4. MAINTENANCE OF RECORDS.

A medical marijuana collective shall maintain records on the property accurately and truthfully documenting: (1) the full name, address, and telephone number(s) of the owner, landlord and/or lessee of the property; (2) the full name, address, and telephone number(s) of all members who are engaged in the management of the collective and the exact nature of each member's participation in the management of the collective; (3) the full name, address, and telephone number(s) of all members who participate in the collective cultivation, the date they joined the collective and the exact nature of each member's participation; (4) the full name, address, and telephone number(s) of members to whom the collective provides medical marijuana; (5) each member's status as a qualified patient, person with an identification card, or designated primary caregiver; (6) all contributions, whether in cash or in kind, by the members to the collective and all expenditures incurred by the collective for the cultivation of medical marijuana; (7) an inventory record documenting the dates and amounts of marijuana cultivated on the property, including the amounts of marijuana stored on the property at any given time; and (8) proof of registration with the Office of Finance in conformance with Section 45.19.6.2 of this article, including evidence of an accepted registration form. These records shall be maintained by the collective for a period of five years and made available by the collective to the Police Department upon request. Consent is given by the collective under this article to the provision of said records to the Police Department without requirement for a search warrant, subpoena or court order.

SEC. 45.19.6.5. INSPECTION AUTHORITY.

The Department of Building and Safety may enter and inspect the property of every collective between the hours of 10:00 a.m. and 8:00 p.m. or at any reasonable time to ensure compliance with and enforce the provisions Section 45.19.6.3 A of this article. In addition, the Police Department may enter and inspect the property of every collective and the records maintained pursuant to Section 45.19.6.5 of this article between the hours of 10:00 a.m. and 8:00 p.m., or at any reasonable time to ensure compliance with Section 45.19.6.2, 45.19.6.3 B, and 45.19.6.4 of this article. It is unlawful for any owner, landlord, lessee, member (including but not limited to a member engaged in the management), or any other person having any responsibility over the operation of the collective to refuse to allow, impede, obstruct or interfere with an inspection, review or copying of records and closed-circuit monitoring authorized and required under this article, including but not limited to, the concealment, destruction, and falsification of any records or monitoring.

SEC. 45.19.6.6. EXISTING MEDICAL MARIJUANA OPERATIONS.

Any existing medical marijuana collective, dispensary, operator, establishment, or provider that does not comply with the requirements of this article must immediately cease operation until such time, if any, when it complies fully with the requirements of this article; except that any medical marijuana collective, dispensary, operator, establishment, or provider not in compliance with the requirements of this article that (1) was established and operating at its current location prior to September 14, 2007, and (2) registered pursuant to Interim Control Ordinance No. 179,027 with the City Clerk's office before November 12, 2007, shall have 180 days from the effective date of this article during which to fully comply with the requirements of this article or to cease operation. No medical marijuana collective, dispensary, operator, establishment, or provider that existed prior to the enactment of this article shall be deemed to be a legally established use under the provisions of this article, and such medical marijuana collective, dispensary, operator, establishment, or provider shall not be entitled to claim legal nonconforming status.

SEC. 45.19.6.7. COMPLIANCE WITH THIS ARTICLE AND STATE LAW.

A. It is unlawful for any person to cause, permit or engage in the cultivation, possession, distribution or giving away of marijuana for medical purposes except as provided in this article, and pursuant to any and all other applicable local and state law.

B. It is unlawful for any person to cause, permit or engage in any activity related to medical marijuana except as provided in Health and Safety Code Sections 11362.5 *et seq.*, and pursuant to any and all other applicable local and state law.

C. It is unlawful for any person to knowingly make any false, misleading or inaccurate statements or representations in any forms, records, filings or documentation required to be maintained, filed or provided to the City under this article, or to any other

local, state or federal government agency having jurisdiction over any of the activities of collectives.

SEC. 45.19.6.8. VIOLATION AND ENFORCEMENT.

Any violation of this article shall be subject to all remedies and enforcement measures authorized by Section 11.00 of this Code. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, revocation of the certificate of occupancy for the property, disgorgement and payment to the City of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The City may also pursue any and all remedies and actions available and applicable under local and state law for any violations committed by the collectives and persons related or associated with the collective.

Notwithstanding an initial verification of compliance by the collective with the preinspection requirements set forth in Section 45.19.6.3 A of this article prior to the filing of the registration form, any collective later found to be in violation of any of the preinspection requirements at any time is subject to the enforcement provisions provided in this section.

Sec. 2. Section 91.107.3.2 of the Los Angeles Municipal Code is amended by adding a new item 5 to read:

5. Medical Marijuana Collective Preinspection. A preinspection fee shall be collected by the Department to verify compliance with Section 49.19.6.3 A of the Los Angeles Municipal Code. The preinspection fee shall be in addition to any other fee that the Department determines is necessary due to the nature of the work involved.

Sec. 3. Operative Date. No preinspection pursuant to Section 45.19.6.2 B of the Los Angeles Municipal Code shall be conducted by the Department of Building and Safety, nor shall a registration form pursuant to Section 45.19.6.2 A of the Los Angeles Municipal Code be accepted by the Office of Finance for a period of 180 days from the effective date of this ordinance; except that any medical marijuana collective, dispensary, operator, establishment, or provider that (1) was established and operating at its current location prior to September 14, 2007, and (2) was registered pursuant to Interim Control Ordinance No. 179,027 with the City Clerk's office before November 12, 2007, may have a preinspection done by the Department of Building and Safety and may file a registration form with the Office of Finance during this 180 day period.

Sec. 4. Severability. Pursuant to the provisions of Los Angeles Municipal Code Section 11.00 (k), if any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

Sec. 5. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

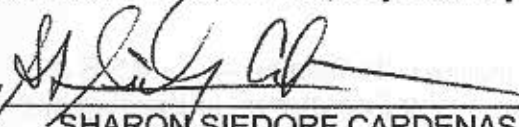
By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
SHARON SIEDORF CARDENAS
Assistant City Attorney

Date OCT 20 2009

File No. CF 08-0923